

Message Text

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PAGE 01 STATE 023446

53

ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 CPR-01 VO-03 SCA-01 SSO-00

NSCE-00 USIE-00 INRE-00 IGA-02 SAM-01 OMB-01 TRSE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 /062 R

DRAFTED BY L/EUR:DHSMALL:EMB

APPROVED BY S/AM:LPEZZULLO

EUR/WE:EROWELL

DOD/ISA:PBARRINGER

L/M:HSHAMWELL

S/CPR:HDAVIS

SCA/VO:ACOLEY

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FM SECSTATE WASHDC

TO AMEMBASSY MADRID IMMEDIATE

LIMITED OFFICIAL USE STATE 023446

E.O. 11652: N/A

TAGS: MARR, SP, US

SUBJECT: SPANISH BASE NEGOTIATIONS: PRIVILEGES AND
IMMUNITIES FOR COUNCIL PERSONNEL

REFS: A-STATE 21251, B-MADRID 690

1. DEPARTMENT APPRECIATES EMBASSY'S CLARIFICATION OF SPANISH
POSITION AND ITS PROPOSED SOLUTION. YOU SHOULD SUGGEST TO
SPANISH AN EXCHANGE OF NOTES INCLUDING FOLLOWING OPERATIVE
LANGUAGE, WHICH USES THE VIENNA CONVENTION CATEGORIES:

BEGIN TEXT: PURSUANT TO ARTICLE VI OF SUPPLEMENTARY
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PAGE 02 STATE 023446

AGREEMENT NUMBER ONE OF THE TREATY OF FRIENDSHIP AND CO-

OPERATION BETWEEN THE UNITED STATES AND SPAIN, SIGNED AT MADRID ON JANUARY 24, 1976, THE NORM TO BE APPLIED IS THAT OF EACH COUNTRY'S ESTABLISHED PRACTICE WITH REGARD TO DIPLOMATIC MISSIONS. THE PARTICIPANTS IN THE WORK OF THE COUNCIL WILL, THEREFORE, RECEIVE THE PRIVILEGES AND IMMUNITIES ACCORDED IN THE RESPECTIVE COUNTRIES TO PERSONS OF EQUIVALENT RANK AND FUNCTION WHO ARE MEMBERS OF THE DIPLOMATIC, ADMINISTRATIVE AND TECHNICAL, OR SERVICE STAFF, AS APPROPRIATE, OF FOREIGN DIPLOMATIC MISSIONS IN THAT COUNTRY. END TEXT.

2. WE HAVE NOT USED THE VIENNA CONVENTION ITSELF AS THE STANDARD SINCE, UNTIL OUR IMPLEMENTING LEGISLATION IS PASSED, U.S. NORMS WILL REMAIN SOMEWHAT BETTER IN CERTAIN RESPECTS. FOR EASE OF IMPLEMENTATION, WE HAVE A SLIGHT PREFERENCE TO ASSIMILATE COUNCIL PERSONNEL TO EQUIVALENT EMBASSY PERSONNEL, RATHER THAN DEAL WITH DUAL STANDARDS. HOWEVER, IF SPANISH PREFER, YOU ARE AUTHORIZED TO AMEND TEXT TO STATE THAT "THE NORM TO BE APPLIED IS THAT OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS". KISSINGER

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04 MAY 2006

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